



110/02239

RECEIVED
MAR 26 2004
TECHNOLOGY CENTER R3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In regard to the application of: Oren GLOBERMAN et al.

Serial No : 09/890,172

Group Art Unit: 3738

Filed : July 25, 2001

Examiner: PREBILIC, P. B.

For : Expandable Intervertebral Spacer

SECOND SUPPLEMENTARY INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully direct the attention of the Examiner to additional art cited with respect to U.S. Application No. 09/890,172 which is a U.S. national stage application under 35 U.S.C. §371 of PCT Application No. PCT/IL00/00058.

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP 2001.06, MPEP 1893.03(e) and MPEP 1893.03(g) and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is an Equivalent to Form PTO-1449 listing the cited art. Also attached is a copy¹ of the art. This art contains information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

In accordance with MPEP Section 609 it is requested that each document cited [including any mentioned in Applicants' specification which is not repeated on the attached (or prior) PTO-1449 form(s) or equivalent(s) thereof] be given thorough consideration and be

¹ To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the national stage file. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such an equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited then none is known to the undersigned.

cited of record in the prosecution history of the present application by initialing on the PTO-1449 form or its equivalent, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

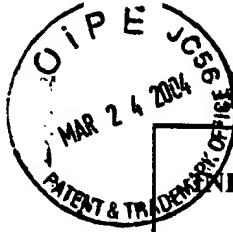
Respectfully submitted,
Oren GLOBERMAN, et al.

Paul Fenster

Paul FENSTER,
Registration No. 33,877

March 17, 2004
William H. Dippert, Esq.
Reed Smith LLP
599 Lexington Avenue, 29th Floor
New York, NY 10022-7650

Tel: (212) 521-5400



<p style="text-align: center;">INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)</p>	ATTY DOCKET NO.	SERIAL NO.
	110/02239	09/890,172
	APPLICANT(S) Oren GLOBERMAN et al.	
FILING	GROUP	
July 25, 2001	3738	

U.S. PATENT DOCUMENTS

RECEIVED
MAR 26 2004
TECHNOLOGY CENTER 23700

EXAMINER _____ **DATE CONSIDERED** _____

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Equivalent to Form PTO-1449

Patent and Trademark Office*U.S. DEPARTMENT OF COMMERCE

PAGE 1 OF 1

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
110/02239

In Re Application: Oren GLOBERMAN et al.

RECEIVED
MAR 24 2004
U.S. PATENT & TRADEMARK OFFICE

Serial No.
09/890,172

Filing Date
July 25, 2001

Examiner
PREBILIC, P. B.

Group Art Unit
3738

EXPANDABLE INTERVERTEBRAL SPACER

RECEIVED
MAR 26 2004
TECHNOLOGY CENTER 3700

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

A check in the amount of _____ is attached.
 The Director is hereby authorized to charge and credit Deposit Account No. 03-3419 as described below.
 Charge the amount of _____
 Credit any overpayment.
 Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F)

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Certificate

*This certificate may only be used if paying by deposit account.

Paul Fenster

Signature

Paul FENSTER, Reg. No. 33,877

Dated: March 17, 2004

William H. Dippert, Esq.

Reed Smith LLP

599 Lexington Avenue, 29th Floor

New York, NY 10022-7650

Tel: (212) 521-5400

CC:

3738

40
TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
 (Under 37 CFR 1.97(b) or 1.97(e))

Docket No.
 110/02239

In Re Application Of: **Oren GLOBERMAN et al.**

RECEIVED
 MAR 24 2004

Serial No.
 09/890,172

Filing Date
 July 25, 2001

Examiner
 PREBILIC, P. B.

Group Art Unit
 3738

Title: **EXPANDABLE INTERVERTEBRAL SPACER**

RECEIVED
 MAR 26 2004

TECHNOLOGY CENTER R3700

Address to:
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

37 CFR 1.97(b)

- The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

- The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

the statement specified in 37 CFR 1.97(e);

OR

the fee set forth in 37 CFR 1.17(p).



PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop:
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 18, 2004
on _____
Date

RECEIVED
MAR 26 2004
TECHNOLOGY CENTER R3700

Geraldine Gress

Reed Smith LLP
599 Lexington Avenue
29th Floor
New York, New York 10022-7650
Tel: 212-521-5400; Fax: 212-521-5450

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Applicant: Oren Globerman, et al.
Serial No: 09/890,172
Filing Date: July 25, 2001
For: EXPANDABLE INTERVERTEBRAL SPACER
Enclosures: (1) Transmittal of Information Disclosure Statement (3 pages);
(2) 2nd Supplemental Information Disclosure Statement (2 pages) w/IDS Citation (1 page) & one cited reference; (3) Acknowledgement Postcard.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.